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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,124	12/28/2001	Paul Bourguine	1394-01	4810
35811 7590 06/12/2008 IP GROUP OF DLA PIPER US LLP ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103				
EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
06/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/046,124

**Applicant(s)**

BOURGINE, PAUL

**Examiner**

THJUAN K. ADDY

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on February 20, 2008 has been entered. No claims have been amended. Claim 2 has been cancelled. No claims have been added. Claims 1 and 3-16 are still pending in this application, with claims 1, 7, and 10 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (US 6,931,116), in view of Will (US 5,905,789).
4. In regards to claims 1, 7, and 10, Gross discloses a process and communication device for management of data transfer to a specific destination station having a plurality of real addresses, the process being applied to a multiplicity of telecommunications supports (See Abstract and col. 1-2 lines 66-6) and comprising: defining a virtual address (e.g. toll free 800 number or 888 number) of a destination station, said destination station having a plurality of real addresses (See col. 3-4 lines 65-6 and col. 4 lines 14-19); sequentially searching through the real addresses according to one of a plurality of time-related sequences (See Abstract, col. 3-4 lines 65-9, and col. 9-10 lines 63-14) until obtaining a positive response (for example, until a

live answer is reached) from a real address establishing a communications channel, said time-related sequence being a predetermined ordered sequence (See col. 1 lines 53-60); and transferring data by the communication channel (See col. 9 lines 29-62). Gross, however, does not disclose storing time-related communication parameters in a memory at each failure and/or success in establishing the communication channel; processing said time-related communications parameters stored in the memory by correlating at least one of the time-related communications parameters with failure and/or success in establishing the communications channel with the real address; and determining a new order of the time-related sequence for sequentially searching through the real addresses based on the correlation. Will, however, does disclose storing time-related communication parameters (e.g., time of the day and day of the week) in a memory (e.g., database/server memory) at each failure and/or success in establishing the communication channel (See col. 5 lines 9-34 and col. 7-8 lines 58-8); processing said time-related communications parameters stored in the memory by correlating at least one of the time-related communications parameters with failure and/or success in establishing the communications channel with the real address (See col. 5 lines 9-34); and determining a new order of the time-related sequence for sequentially searching through the real addresses based on the correlation (See col. 2-3 lines 53-6 and col. 8 lines 10-14). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the process and device, as a way of using the "find me" approach that is both easy to set up and maintain and that can determine a sequence of numbers to call at a given

time that minimizes the number of calls necessary to reach the subscriber. In other words, this would increase the speed of delivering communications between parties, by selecting destinations from a routing list based on call completion probability.

5. In regards to claim 3, Gross discloses all of claim 3 limitations, except the process, wherein the processing performed on the time-related communications parameters stored in the memory is an iterative learning process. Will, however, does disclose the process, wherein the processing performed on the time-related communications parameters stored in the memory is an iterative learning process (See col. 5 lines 24-34 and col. 8-9 lines 66-12).

6. In regards to claim 4, Gross discloses all of claim 4 limitations, except the process wherein the iterative learning process uses a neural network. Will, however, does disclose the process wherein the iterative learning process uses a neural network (See Fig. 4 and neural network 400) (See col. 3-4 lines 65-11, col. 5 lines 9-23, and col. 6 lines 8-22).

7. In regards to claim 5, Gross discloses all of claim 5 limitations, except the process, wherein the processing performed on time-related communications parameters stored in the memory is a statistical processing. Will, however, does disclose the process, wherein the processing performed on time-related communications parameters stored in the memory is a statistical processing (See col. 5 lines 24-34, col. 6 lines 8-22, and col. 8-9 lines 66-12).

8. In regards to claim 6, Gross discloses the process, wherein the communication parameters are selected from the group consisting of date and time (See col. 9-10 lines

63-14). Will, also discloses the process, wherein the communication parameters are selected from the group consisting of date and time (See col. 2 lines 53-57).

9. In regards to claim 8, Gross discloses the process, wherein one of the time-related communications parameters is time of day (See col. 9-10 lines 63-17). Will, also discloses the process, wherein one of the time-related communications parameters is time of day (See col. 2 lines 53-57).

10. In regards to claim 9, Gross discloses the process, wherein one of the time-related communications parameters is day of week (See col. 9-10 lines 63-17). Will, also discloses the process, wherein one of the time-related communications parameters is day of week (See col. 2 lines 53-57).

11. In regards to claim 11, Gross discloses the process, wherein establishing a communications channel is performed by selectively choosing an outgoing telecommunication network (for example, the router decides which address/number/destination to forward the call, such as to a home phone, cellular phone, work phone, voicemail, etc.) (See col. 2 lines 21-40).

12. In regards to claim 13, Gross discloses all of claim 13 limitations, except the process, wherein determining a new order of the sequence is performed each time an attempt is made to establish a communications channel. Will, however, does disclose the process, wherein determining a new order of the sequence is performed each time an attempt is made to establish a communications channel (See col. 5 lines 30-34 and col. 8 lines 10-14).

13. In regards to claim 14, Gross discloses the process, wherein sequentially searching is performed automatically (See col. 1 lines 53-60). Will, also discloses the process, wherein sequentially searching is performed automatically (See col. 2-3 lines 53-6).

14. In regards to claim 15, Gross discloses the process, wherein sequentially searching is performed semi-automatically in a way that an operator provides an extra service (See col. 5 lines 58-65).

15. In regards to claim 16, Gross discloses the process, wherein said extra service is at least one selected from the group consisting of interpretation of a party's requests, searching for or supplying information, scheduling appointments and interactive filtering (See col. 5 lines 58-65 and col. 6 lines 9-24).

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (US 6,931,116), in view of Will (US 5,905,789), and in further view of Pokress (US 6,169,791).

17. In regards to claim 12, Gross and Will disclose all of claim 12 limitations, except the process, wherein said selective choice is performed according to a least cost routing process. Pokress, however, does disclose the process, wherein said selective choice is performed according to a least cost routing process (See Abstract and col. 2 lines 19-35). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of providing a least cost call routing system, which allows subscribers to save significantly and

automatically on a call-by-call basis for each telephone call made anywhere in the world (See Pokress, col. 1 lines 58-63).

***Response to Arguments***

18. Applicant's arguments filed 02/20/2008 have been fully considered but they are not persuasive.

19. Applicant argues that Will, unlike Claim 1, fails to describe storing time-related parameters at each failed or successful attempt, and in fact, only records information upon completion of a call, and if a call is not completed, which is equivalent to a subscriber not participating in a call, information is not recorded to assist in the training of the model, and thus, in Will's process, no time-related communication parameters at a failure in establishing communication are stored.

20. In regards to the above arguments, Examiner respectfully disagrees. Applicant states that Will, unlike Claim 1, fails to describe storing time-related parameters at each failed or successful attempt, and in fact, only records information upon completion of a call. Examiner would like to bring to Applicant's attention, that Claim 1 recites "storing time-related communication parameters in a memory at each failure and/or success in establishing the communications channel." Claim 1, does not recite "attempting" to establish the communications channel, as being argued by Applicant. Therefore, as currently recited, Claim 1 discloses storing the time-related communication parameters relating to each failure and/or success, in memory, upon establishing the call/communications channel, and not upon "attempting" to establish the

call/communications channel. Therefore, Will does disclose and suggest, storing time-related communication parameters (e.g., time of the day and day of the week) in a memory (e.g., database/server memory) at each failure and/or success in establishing the communication channel (See col. 5 lines 9-34 and col. 7-8 lines 58-8). Furthermore, Will does not teach that failure and/or success is only recorded upon completion of a call. For example, when a call attempt is received from a caller or when an incoming call is detected, the neural network is used to predict the likelihood that the called party/subscriber is located at the attempted number/location, and the likelihood may be based on the current time of the day and the day of the week when the call attempt/incoming call is received (See col. 5 lines 6-23). Therefore, a call does not have to be completed/established, in order for the time-related parameters, relating to each failure and/or success to be stored in a memory.

### ***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614